

Introduced by Senator Huff

February 17, 2011

An act to amend Section 53324 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 552, as introduced, Huff. Local government: Mello-Roos Community Facilities Act of 1982.

Existing law, the Mello-Roos Community Facilities Act of 1982, provides that if 50% or more of the registered voters, or 6 registered voters, whichever is more, residing within the territory proposed to be included in a community facilities district, or the owners of $\frac{1}{2}$ or more of the area of the land in the territory proposed to be included in a district and not exempt from the proposed special tax, file written protests against the establishment of the district, no further proceeding to create the district or to impose the special tax may be taken for a period of one year from the date of the decision of the legislative body, as specified.

This bill would prohibit offering a voter or landowner, and would prohibit a voter or landowner from accepting or receiving, consideration to forgo the filing of a protest.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 53324 of the Government Code is
2 amended to read:

1 53324. If 50 percent or more of the registered voters, or six
2 registered voters, whichever is more, residing within the territory
3 proposed to be included in the district, or the owners of one-half
4 or more of the area of the land in the territory proposed to be
5 included in the district and not exempt from the special tax, file
6 written protests against the establishment of the district, and
7 protests are not withdrawn so as to reduce the value of the protests
8 to less than a majority, no further proceedings to create the
9 specified community facilities district or to authorize the specified
10 special tax shall be taken for a period of one year from the date of
11 the decision of the legislative body.

12 If the majority protests of the registered voters or of the
13 landowners are only against the furnishing of a specified type or
14 types of facilities or services within the district, or against levying
15 a specified special tax, those types of facilities or services or the
16 specified special tax shall be eliminated from the resolution of
17 formation.

18 *A voter or landowner shall not be offered, and shall not accept*
19 *or receive, consideration to forgo the filing of a protest.*